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U.S. ignoring covert-activity curbs, lawmaker says

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WASHINGTON — A key House Intelligence Committee member Thursday joined mounting opposition to U.S. covert activities in Central America, accusing the Reagan Administration of ignoring congressional restrictions that prohibit efforts directed at the overthrow of Nicaragua's Sandinista government.

Rep. Wyche Fowler (D., Ga.), chairman of the House Intelligence Committee's oversight and evaluation subcommittee, told a Capitol Hill news conference that he would introduce legislation to tighten congressional control of intelligence activities abroad.

The legislation, he said, would give congressional intelligence oversight committees power to stop runaway operations, which he suggested was the case with Nicaragua.

Earlier in the week, Sens. Daniel Patrick Moynihan (D., N.Y.) and Patrick Leahy (D., Vt.), members of the Senate Intelligence Committee, told fellow senators that they feared U.S. activities had gotten out of hand.

Fowler's criticism, however, was by far the sharpest yet heard.

The congressman, who returned last week from six days in Panama, Nicaragua and El Salvador, told reporters that "the law of the land ... is not being fully adhered to."

"No branch of our government may pick and choose which statutes it will obey," Fowler said. "If the law is being violated, the Congress has a clear responsibility to bring our government into compliance or to change the law."

Intelligence Committee sources said Fowler's decision to go public with his concerns reflected the gravity of the situation as he sees it.

There are indications as well of growing concern and some opposi-

tion to the covert activities within the Reagan Administration itself, particularly among middle-level State Department officials involved in Latin American affairs. They are said to have expressed their reservations both to influential legislators and to the White House.

Under restrictions imposed by congressional oversight committees, the administration was authorized only to fund anti-Sandinista forces who were trying to stop the flow of Nicaraguan arms to leftist rebels in El Salvador. Efforts directed at the overthrow of the Nicaraguan government were prohibited.

The same restrictions became law last December as an amendment attached to a defense appropriations bill. The amendment was sponsored by Rep. Edward Boland (D., Mass.), chairman of the House Intelligence Committee, and became known as the Boland Amendment.

Fowler said his aides had contacted Boland, who was in Hong Kong en route to China, and had received assurances that the House Intelligence Committee would convene next week to discuss ways to rein in the administration's Nicaraguan operation.

The operation has raised anew the question of closer control of covert activity, Fowler said, prompting him to introduce legislation aimed at strengthening those controls.

"The time has come for the Congress to set out publicly, in statute, what the standards are going to be for covert actions and I will be introducing such legislation in the House," he said.

He said his bill would "define under what conditions covert actions may take place, when such activity is essential to national security and is fully consistent with our publicly avowed foreign policy, when the anticipated benefits outweigh the potential risks and when the circumstances require extraordinary means."

Fowler said it would also contain a "formal mechanism" allowing congressional oversight committees "to disapprove such operations."

Fowler said that he and other committee members had had misgivings about the Nicaragua operation since they were first briefed on it by CIA Director William Casey and other administration officials.

But, he said, the intelligence panels went along with the administration because they received assurances that the principal goal was to stop the arms flow to Salvadoran guerrillas and not to undermine or overthrow the Sandinista government.

The Boland Amendment, said Fowler, was the first warning to the administration that some in Congress thought it might be going beyond its stated intentions in Nicaragua.

Now, Fowler said, he is convinced that the anti-Sandinista forces financed by the United States are not interested in interdicting weapons, but in ousting the Sandinistas.

"The newspaper reports, television reports, public discussions, and by my discussions with top officials in our government, the conclusion is that under the best of circumstances, the Boland Amendment is not being fully adhered to."

He said further evidence was provided by The New York Times, which on Thursday published a classified summary of a National Security Council meeting in which the covert action was discussed.

Fowler said the document, as published by The Times, had never been made available to the intelligence committees, although the administration was under no legal obligation to do so.

Finally, Fowler said, lacking "clear standards" of a "well-defined role" for congressional review of covert activity, the CIA had not told the intelligence panels everything it was doing in Central America.

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Meanwhile, some administration officials concerned with the U.S. role in Central America said the leaking of the document to The New York Times should be seen as a sign of opposition within the administration itself to the covert Nicaraguan activity.

"We have also told Congress, the legislators on the intelligence panels, to understand that not everyone in the administration is in agreement with the covert action and that we have raised the question with the White House about whether it is legal to be involved in this," one official said Thursday.

State Department spokesman John Hughes said Thursday, however, that senior department officials thought the Boland Amendment was being ignored.

At the White House, Deputy Press Secretary Larry Speakes insisted that "all our activities in Central America and any that we are involved in in Nicaragua are consistent with the law."